

May 6, 2019

Hon. Hildy Bowbeer
United States District Court
632 Federal Building
316 N. Robert Street
St. Paul, MN 55101

VIA CM/ECF

Re: In Camera Review, *Jones et al. v. City of Faribault*, Civ. No. 18-cv-1643 (JRT/HB)



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

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Dear Magistrate Judge Bowbeer:

Plaintiffs write to identify 22 documents from the City's privilege log for *in camera* review, in accordance with the Court's orders of April 25 and April 29, 2019.

To update the Court, on April 29, 2019, the City produced another revised privilege log, entitled Second Supplemental Privilege Log (its third log in this case), along with the "key" ordered by the Court. To the City's credit, it recognized that approximately one third of its privilege claims were indefensible and, accordingly, produced 77 of the 217 documents it had withheld under such claims.¹

Plaintiffs, however, still have concerns about many of the remaining claims, which they will elaborate in their supplemental brief due May 10.

Below are the log entry numbers of the 22 documents for which Plaintiffs request an *in camera* review:²

1. Entry No. 1
2. Entry No. 5
3. Entry No. 6
4. Entry No. 7
5. Entry No. 8
6. Entry No. 9
7. Entry No. 11

¹ The City produced 47 documents in full and 30 partially redacted. Plaintiffs note, however, that to date the City produced these documents (e-mails and e-mail attachments) as PDFs only with no metadata, other than what is apparent on the face of the document, despite Plaintiffs' requests that it produce documents in native format, to the extent possible, with existing metadata, in accordance with the Court's ESI Protocol.

² The City has confirmed that the log entry numbers in its Second Supplemental Privilege Log refer to the same documents with identical entry numbers in its Supplemental Privilege Log, e.g., entry no 1 in each log refers to the same document.

8. Entry No. 12
9. Entry No. 14
10. Entry No. 20
11. Entry No. 25
12. Entry No. 53
13. Entry No. 56
14. Entry No. 57
15. Entry No. 85
16. Entry No. 91
17. Entry No. 115
18. Entry No. 144
19. Entry No. 154
20. Entry No. 190
21. Entry No. 195
22. Entry No. 198

Sincerely,

/s/ Alejandro Ortiz

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